

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                            |   |                            |
|----------------------------|---|----------------------------|
| MICHAEL A. BURNHART,       | ) | CASE NO. C06-0816-RSL-MAT  |
|                            | ) |                            |
| Plaintiff,                 | ) |                            |
|                            | ) |                            |
| v.                         | ) | ORDER GRANTING DEFENDANT'S |
|                            | ) | MOTION FOR CONTINUANCE     |
| COMMANDER REED HOLTGEERTS, | ) |                            |
|                            | ) |                            |
| Defendant.                 | ) |                            |
| _____                      | ) |                            |

Defendant has filed a motion to extend the deadline for dispositive motions previously established by the Court. (Dkt. #41). Having reviewed the motion and the balance of the record, the Court does hereby find and ORDER as follows:

(1) Defendant incorrectly noted the motion for consideration on May 11, 2007. When, as here, one of the parties is incarcerated, the Local Rules provide that such a motion shall be noted for consideration on the third Friday after the date of filing. *See* Local Rule CR 7(d). In addition, defendant did not provide a proposed Order along with the motion. *See* Local Rule CR 7(b). Ordinarily, the Court would strike the motion for these deficiencies; however, here, in order to expedite resolution of this case, the Court will consider the motion.

01 (2) Counsel for defendant states in the motion that she is in the midst of obtaining  
02 affidavits that will support a dispositive motion, and she is also complying with a discovery request  
03 from plaintiff that is due May 17, 2007. (Dkt. #41 at 2). Counsel asks for two additional weeks  
04 in order to prepare a dispositive motion. Because it does not appear that plaintiff will be  
05 prejudiced by a short extension of time, defendant's motion for a continuance (Dkt. #41) is  
06 GRANTED.

07 (3) The following deadlines now apply: Dispositive motions shall be filed no later than  
08 **May 25, 2007**; a joint pretrial statement shall be filed no later than **July 26, 2007**. For further  
09 details regarding these matters, the parties are referred to the Court's previous Order issued on  
10 January 29, 2007.

11 (4) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for  
12 defendants, and to Chief United States District Judge Robert S. Lasnik.

13 DATED this 8th day of May, 2007.

14   
15 Mary Alice Theiler  
16 United States Magistrate Judge  
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